STATE OF MICHIGAN

COURT OF APPEALS

PEOPLE OF THE STATE OF MICHIGAN,

UNPUBLISHED September 3, 1999

Plaintiff-Appellee,

 \mathbf{v}

No. 205955 Recorder's Court LC No. 96-503129

CHARLES R. HILL,

Defendant-Appellant.

Before: Markman P.J., and Saad and P. D. Houk*, JJ.

PER CURIAM.

Defendant appeals as of right from his conviction of carrying a concealed weapon, MCL 750.227; MSA 28.424, entered after a jury trial. We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

Defendant was arrested for operating a vehicle under the influence of alcohol. A search incident to the arrest revealed a handgun in a holster, magazine clips, and a bullet in defendant's vehicle. The gun and magazine clips were located under the driver's seat. The bullet was located in the ashtray.

At trial, the evidence established that both the vehicle and the gun were registered to defendant. At the close of plaintiff's proofs, defendant sought to move for a directed verdict. The trial court indicated that the motion would be reserved. Defendant testified that he did not have a license to carry a concealed weapon. He indicated that on the night of the incident he was moving musical equipment from his place of business to his home. He testified that he relied on a pamphlet from the Michigan State Police which stated that under certain circumstances, an unlicensed person was permitted to transport a weapon in a vehicle.

After the trial court instructed the jury, defendant moved for a directed verdict on the ground that plaintiff had failed to establish that he knew that the gun was in his vehicle. The trial court denied the motion, finding that the evidence as to the location of the gun, the magazine

^{*} Circuit judge, sitting on the Court of Appeals by assignment.

clips, and the bullet would allow the jury to infer that defendant knew that the gun was in the vehicle.

The jury found defendant guilty of carrying a concealed weapon. Subsequently, the trial court sentenced defendant to serve one year of probation.

To establish that defendant was guilty of the charged offense, plaintiff was required to prove: (1) that the gun was in a vehicle occupied by defendant; (2) that defendant knew that the gun was in the vehicle; and (3) that defendant took part in carrying or keeping the gun in the vehicle. CJI2d 11.1. Carrying a concealed weapon is a general intent crime. The only intent necessary is that needed to do the prohibited act, i.e., to knowingly carry the weapon on one's person or in a vehicle. *People v Combs*, 160 Mich App 666, 673; 408 NW2d 420 (1987).

In reviewing a trial court's decision on a motion for directed verdict, we view the evidence presented by the prosecution up to the time the motion was made in a light most favorable to the prosecution to determine whether a rational trier of fact could find that the essential elements of the offense were proved beyond a reasonable doubt. Circumstantial evidence and reasonable inferences drawn from that evidence can be sufficient to prove the elements of the crime. *People v Crawford*, 232 Mich App 608, 615-616; 591 NW2d 669 (1998).

Defendant argues that the trial court erred in denying his motion for a directed verdict because the prosecution did not establish that he knew that the gun was in his vehicle. We disagree and affirm. To be guilty of the offense of carrying a concealed weapon, a person must knowingly participate in the carrying of the weapon. Mere presence in a vehicle, with knowledge that a weapon is located in the vehicle, is not sufficient. People v Courier, 122 Mich App 88, 90; 332 NW2d 421 (1982); People v Stone, 100 Mich App 24, 29; 298 NW2d 607 (1980). In the instant case, the evidence presented by the prosecution established that defendant was the sole occupant of a vehicle registered to him. A gun, also registered to defendant, was found in the vehicle under the driver's seat. Magazine clips were discovered under the seat, and a bullet was located in the ashtray. This evidence would support an inference that defendant had knowledge that the gun was in the vehicle. Crawford, supra. The evidence that the gun, the magazine clips, and the bullets were in locations easily accessible to defendant would support an inference that defendant was carrying the weapon. Courier, supra, at 90-91. Viewed in a light most favorable to the prosecution, the evidence presented by the prosecutor would allow a rational trier of fact to find that the essential elements of the offense of carrying a concealed weapon were proved beyond a reasonable doubt. The trial court did not err by denying the motion for a directed verdict. Crawford, supra.

Affirmed.

/s/ Stephen J. Markman /s/ Henry William Saad /s/ Peter D. Houk